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DIVISION

Atty. Dkt. No. 083847-0109

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 JUL 23 PM 12: 4

Applicant: Chad A. MIRKIN et al.

Title: METHODS UTILIZING SCANNING PROBE MICROSCOPE TIPS
AND PRODUCTS THEREOF OR PRODUCED THEREBY

Appl. No.: 09/866,533

Filing Date: 5/24/2001

Examiner: William P. Fletcher, III

Art Unit: 1762

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AUG 05 2004

OFFICE OF PETITIONS

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
PURSUANT TO 37 CFR 1.705(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.705(b), Applicants respectfully request reconsideration of the patent term adjustment (PTA) delineated in the notice of allowance mailed June 7, 2004. In support thereof, Applicants submits the following:

1. This application for patent term adjustment is being submitted along with the payment of the issue fee.
2. A fee to cover the cost of filing an application for patent term adjustment in the amount of \$200.00 is enclosed as is set forth in 37 CFR § 1.18(e).
3. A Statement of Facts is set forth on page 3 that includes: a) a PTA calculation tabulated by Applicants that converts the Patent Office's PTA calculation along with supporting documents as evidence that the incorrect date for Applicants' response to a missing parts notice was entered in the Patent Office's PAIR system.
4. The patent term is not subject to any terminal disclaimer.

6. Other than the eight (8) days indicated by both the Applicants' and Patent Office's PTA calculations, no other prosecution delay can be attributed to Applicants pursuant to 37 CFR § 1.704.

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STATEMENT OF FACTS

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Applicants filed the above-identified application on May 24, 2001. On August 2, 2001, a missing parts notice was mailed by the Patent Office. Applicants filed a response to the notice on October 25, 2001 (see attached copy of response and date-stamped postcard).

According to the PTA calculation tabulated by the Patent Office set forth in the PAIR system, the application was filed on May 24, 2001 and the missing parts notice was mailed on August 2, 2001. However, the PAIR system reflects that "Application Is Now Complete" (the date for which the missing parts response was received) is "January 9, 2002". Hence, the Patent Office attributed "68" days (from November 2, 2001 to January 9, 2002) of prosecution delay to Applicants.

On November 24, 2003, the Patent Office mailed a non-final office action to which Applicants filed a response on March 9, 2004. According to the PTA calculations tabulated by both the Applicants and the Patent Office, eight (8) days of prosecution delay was attributed to Applicants.

In sum, eight (8) of prosecution delay is attributable to Applicants and 487 days of delay is attributable to the Patent Office.